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HMO Colorado Inc. d/b/a HMO Nevada*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

SUNRISE HOSPITAL AND MEDICAL  
CENTER, LLC

Plaintiff,

vs.

ROCKY MOUNTAIN HOSPITAL AND  
MEDICAL SERVICE, INC. d/b/a ANTHEM  
BLUE CROSS AND BLUE SHIELD; HMO  
COLORADO INC. d/b/a HMO NEVADA

Defendants.

Case No.: 2:18-cv-00761-RFB-GWF

Judge Richard F. Boulware, II

Magistrate Judge George Foley, Jr

**STIPULATION TO EXTEND  
SCHEDULING ORDER DEADLINES**

**(Second Request)**

Pursuant to LR 6-1 and LR 26-4, Plaintiff Sunrise Hospital and Medical Center, LLC (“Plaintiff”) and Defendants Rocky Mountain Hospital and Medical Service, Inc. d/b/a Anthem Blue Cross and Blue Shield and HMO Colorado Inc. d/b/a HMO Nevada (“Defendants”, and collectively, the “Parties”) submit this Stipulation to extend deadlines set forth in the entered Order extending discovery deadlines, (Doc. 31) and state as follows:

1. On October 8, 2018, the Court entered an Order extending: the discovery cut-off to January 28, 2019; the deadline for filing dispositive motions to February 27, 2019; and the deadline for filing the joint pretrial order to March 29, 2019. (Doc. 31 at 3.)

2. On January 4, 2019, the Court entered a Minute Entry setting hearing on Defendants' Rule 12(b)(6) Motion to Dismiss Plaintiff's Complaint (Doc. 8) for March 5, 2019. (Dkt. 37.)

3. Accordingly, the Parties seek this extension of time to file dispositive motions and a joint pretrial order until after the Court hears argument on and decides the Motion to Dismiss.

4. Given the uncertainty of when the Court will rule on the Motion to Dismiss, the Parties presently propose the below schedule for the remaining scheduling order deadlines:

a. Deadline for Filing Dispositive Motions: May 13, 2019.

b. Deadline for Filing Joint Pretrial Order: June 12, 2019, thirty (30) days after deadline for filing dispositive motions. If dispositive motions are filed, this deadline shall be suspended until thirty (30) days after decision of the dispositive motion or further court order.

5. This is the Parties' second request for an extension of time to file dispositive motions and the joint pretrial order, and there is good cause for the extension of these deadlines. Filing dispositive motions, before the Court hears and decides the Motion to Dismiss and before Defendants have had the opportunity to answer the Complaint and assert affirmative defenses to any claims that may remain, would be premature. The Parties thus seek this extension to conform the remaining deadlines in the Scheduling Order with the Court's scheduling on the Motion to Dismiss and to allow time for the Court to decide the Motion to Dismiss. This extension is also sought to give Defendants time to answer the Complaint or assert affirmative defenses regarding any claims that may survive the Motion to Dismiss and for the Parties to prepare dispositive motions as to those claims thereafter. Moreover, as no trial in this matter has been set, the requested

extension does not require a change to any trial date. Finally, as the Parties jointly request the extensions, no party to this lawsuit will be prejudiced.

IT IS SO AGREED AND STIPULATED

Dated this 4th day of February, 2019

Lapidus & Lapidus, PLC

By: /s/ Daniel C. Lapidus

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Cross and Blue Shield and HMO Colorado  
Inc. d/b/a HMO Nevada*

IT IS SO ORDERED:



UNITED STATES MAGISTRATE JUDGE

DATED: February 11, 2019